

No. 3:18cv625
(Judge Munley)
(Magistrate Judge Saporito)

AND NOW, to wit, this 11th day of December 2019, we have before us for disposition Magistrate Judge Joseph F. Saporito, Jr.'s report and recommendation, which proposes the granting of the defendants' motion to dismiss or for summary judgment and the dismissal of plaintiff's civil rights complaint. No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, we must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice, and therefore, we shall adopt the report and recommendation. It is hereby **ORDERED** as follows:

1) The magistrate judge's report and recommendation (Doc. 50) is **ADOPTED**;

2) The plaintiff's section 1983 denial of shower claim is **DISMISSED**;

3) The defendants' motion to dismiss or for summary judgment (Doc. 36) is **GRANTED**;

4) The Clerk of Court is directed to enter judgment in favor of the defendants and against the plaintiff with respect to the remainder of plaintiff's claims; and

5) The Clerk of Court is directed to close this case.

BY THE COURT:



JUDGE JAMES M. MUNLEY
United States District Court